

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 18, 2008

DIVISION ONE

B205433 People (Not for Publication)
v.
Jesus Felix Sotelo

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B199422 People (Not for Publication)
v.
Marvin W. Pegues

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B203614 Douglas Gerst (Not for Publication)
 v.
 City of Los Angeles et al.

The judgment is affirmed. Gerst is awarded his costs on appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B198384 Bowers Companies, Inc. (Not for Publication)
B201005 v.
B202064 Benedict Canyon Productions, Inc.

We reverse the trial court's order granting summary judgment. CPE is entitled to its costs on appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B203891 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 R.V., Sr.

The orders appealed from are affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

DIVISION ONE (continued)

B203674 Los Angeles County, D.C.F.S. (Not for Publication)

v.

T.J.

The order is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.

 Rothschild, J.

B200441 People (Not for Publication)

v.

Wells

The judgment is affirmed. The trial court is ordered to correct the abstract of judgment to reflect conviction of two counts of second degree robbery and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.

 Rothschild, J.

September 18, 2008 (Continued)

DIVISION ONE (continued)

[illegible]

Appellant was improperly sentenced in count one and count two. Judgment is reversed for resentencing. In all other respects, the judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B197925 Los Angeles County, D.C.F.S.
v.
I.D.

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

Court convened at 9:00 am

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B203792 People v. Barron
B199570 People v. Salezar
B203294 People v. Anthony P.
B203950 People v. Nickleberry
B202909 People v. Johnson
B202939 People v. Merritt

DIVISION TWO (continued)

B202103 People v. Musselman

B205949 Coleman v. Coleman

Argument waived, cause submitted.

B201367 People
 v.
 Laster

Merits:

Argued by Carol Boyk for appellant and by Stephanie Brennan, deputy attorney general, for respondent. Cause submitted.

B195349 Schulman
 v.
 Regents of the University of California

Merits:

Argued by James Dowell for appellant and by Jennifer Yang for respondent. Cause submitted.

B200823 Amwest Surety Insurance Co.
 v.
 Billingslea

Merits:

Argued by Kenneth Weston for appellant and by Clark Cameron for respondent. Cause submitted.

DIVISION TWO (continued)

B201282 Jackson

v.

City of Lynwood et al.

Ivie, McNeil & Wyatt

Merits:

Argued by Kendall James for appellant and Douglas Irvine for respondents. Cause submitted.

B203060 Taboo Gentlemen's Club

v.

City of Arcadia

Merits:

Argued by Stuart Miller for appellants and by Jeffrey Goldfarb for respondent. Cause submitted.

B201766 Blackburn

v.

Newton

Merits:

Argued by Ulric Usher for appellant and by Susan Salisbury for respondent. Cause submitted.

B206664 Kahn

v.

Brandt

Merits:

Argued by Robert Sacks for appellant and by Paul Frimmer for respondent. Cause submitted.

DIVISION TWO (continued)

B199725 Rosales
 v.
 Keenan & Associates

Merits:
Argued by Connie Rosales for appellant and by Daniel Hoffer for respondent. Cause submitted.

B199587 Shumake
 v.
 Schwam et al.

Merits:
Argued by Brian Shumake for appellant and by Bernard Schwam and Matthew Pahl for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B194141 People v. Hassan
B200916 People v. Gordon
B201030 People v. Kaaiakamanu
B201020 People v. Campbell
B206279 DCFS v. Noreena C.
B205010 DCFS v. Amy W.
B206943 4975 Sandyland Road v. Gichon
B207897 Trashaun v. SCLA
B208672 Dianne P. v. SCLA
B205420 DCFS v. Osman L.

DIVISION TWO (continued)

B206985 DCFS v. Angelo L. and Sara D.
B208947 Paula C. v. SCLA

Argument waived, cause submitted.

B205794 Los Angeles County, D.C F.S.
 v.
 V.M.

Merits:

Argued by Karin Collins for appellant; County Counsel waived oral argument. Cause submitted.

B206034 Los Angeles County, D.C F.S.
 v.
 B.G.

Merits:

Argued by Roland Koncan for appellant and by Judith Luby, deputy county counsel, for respondent. Cause submitted.

B202428 People
 v.
 Burgos

Merits:

Argued by Victor Sherman for appellant and by David Zarmi, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (continued)

B205907 Los Angeles County, D.C F.S.

v.

Yesenia P.

Merits:

Argued by Andrea St. Julian for appellant and by Aleen Langton, deputy county counsel, for respondent. Cause submitted.

B204324 Webillcards, LLC, et al.

v.

Kaplan Kenegos & Kadin et al.

Merits:

Argued by David Parker for appellants and by David Scott Kadin for respondents. Cause submitted.

B198379 Rondeau

v.

Ducommun Aerostructures, Inc., et al.

Merits:

Argued by Gary Scalabrini for appellants and by Lee Franck for respondent. Cause submitted.

Court adjourned.

September 18, 2008 (Continued)

DIVISION THREE

B205713 People (Not for Publication)

V.

Jerry Lee Ponce

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B195034 McMillian, a Minor, etc., et al.

V.

Stroud et al.

State Department of Health Care Services

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B206271 In re Carolina S., a Minor
Los Angeles County, D.C F.S. (Not for Publication)

V.

G.O.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B199951 People (Certified for Partial Publication)

V.
Juvenal Valencia

The judgment is reversed only insofar as it: imposes a 15-year minimum parole eligibility date pursuant to Penal Code section 186.22, subdivision (b)(5) as to counts 2 through 6; levies the \$20 Government Code section 76104.7, subdivision (a) state-only penalty; awards 500 days of presentence credit; and imposes only a single section 1465.8, subdivision (a)(1) court security fee. The judgment is to be modified to reflect that defendant is subject to: a seven-year minimum parole eligibility date pursuant to Penal Code section 3046, subdivision (a)(1) as to counts 2 through 6; and additional six \$20 section 1465.8, subdivision (a)(1) court security fees for a total of seven fees. Defendant is to receive 501 days of presentence credit for time actually served and no conduct credits. Upon remittitur issuance, the superior court clerk shall forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

I concur: Kriegler, J.
I concur: Mosk, J. (opinion)

B202436 People (Not for Publication)

v.
Wanda G. Cleveland

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

September 18, 2008 (Continued)

DIVISION FIVE (continued)

B201176 Action Apartment Association
v.
City of Santa Monica

Filed order denying petition for rehearing.

DIVISION SIX

B207163 People (Certified for Publication)
v.
Collier

The judgment (order denying motion to suppress evidence) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

September 18, 2008 (Continued)

DIVISION SIX (continued)

B194337 People (Not for Publication)
v.
Ortiz

We order the trial court to correct the abstract of judgment to reflect 723 days' presentence custody credits, and to forward the amended abstract to the Department of Corrections. We otherwise affirm.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B201967 People (Not for Publication)
v.
Santiago

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

September 18, 2008 (Continued)

DIVISION SEVEN (continued)

B203228 People v. Alva (Not for Publication)

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

B206117 People (Not for Publication)
v.
Perea

The appeal is dismissed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

B205387 In re A.B., a Minor
Los Angeles County, D.C F.S. (Not for Publication)
v.
Beth M.

The order is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

September 18, 2008 (Continued)

DIVISION SEVEN (continued)

B196946 People (Not for Publication)
v.
Ford

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

B204608 People (Not for Publication)
v.
Melendez

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B195911 Oldham (Not for Publication)
v.
Flynt et al.

The order denying defendants' motion to compel arbitration is reversed and the trial court is directed to enter a new order granting the motion. The parties are to bear their own costs on appeal.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B196968 People (Not for Publication)

V.

Armondo Rivera

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.

B201665 Margie J. Stoltz et al., (Not for Publication)

V.

Citrus Valley Health Partners et al.,

The judgment in favor of Kee Wong is affirmed. The judgment in favor of Citrus Valley is reversed, and the cause is remanded to the trial court with directions to vacate its order of July 12, 2007, to the extent it granted summary judgment to Citrus Valley Health Partners, and to enter a new order denying summary judgment. Kee Wong is entitled to recover his costs on appeal, and Margie Stoltz is entitled to recover her costs from Citrus Valley Health Partners.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.

B192716 Faramarz Hakakha (Not for Publication)

V.

Quality of Life Health Corporation et al.,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.